

REMARKS

Claims 1 to 26 are pending. Claims 27 and 28 are canceled.

§ 103 Rejections

Claims 1-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over DiZio et al. (US 5,990,238) in view of Romanowski (US 2004/0071916) and in further view of Renz et al. (US 6,187,845) for reasons substantially set forth in the Office Action dated 8/1/2005. The Patent Office asserts that the new limitation set forth in amended claim 1 is met by DiZio, which the Patent Office asserts teaches the use of acrylic esters (methyl acrylate) and methacrylic esters (ethyl methacrylate) (col. 10, lines 34-44).

Without agreeing to the Patent Office's characterization of DiZio et al., Nishikawa et al., Romanowski, or Renz et al., or admitting that the rejection is even proper, Applicants submit that the acrylic esters and methacrylic esters of DiZio et al. in col. 10, lines 34-44, are release coatings as opposed to than pressure sensitive adhesives (see, e.g., DiZio et al. in col. 10, lines 11-14). As such, it is submitted that one of ordinary skill would not be motivated to apply the cited teaching of a release coating (used for preventing inadvertent adhesion) by DiZio et al. with Nishikawa et al., Romanowski, or Renz et al. as argued by the Patent Office to achieve a pressure sensitive adhesive layer in contact with the major surface, much less one wherein the pressure sensitive adhesive comprises from at least 20 percent by weight up to and including 40 percent by weight of at least one ultraviolet light stabilizer, based on the total weight of the adhesive, and wherein the pressure sensitive adhesive is based on a poly(meth)acrylate or silicone, as in present claim 1.

Notwithstanding the above remarks, Applicants note that Romanowski refers to acrylics as being suitable for pressure sensitive adhesives (see, e.g., Romanowski in paragraph [0059]).

Acrylics include poly(meth)acrylates; for example, see the American Heritage Dictionary, Second Edition, Houghton Mifflin Co., Boston, c1976, page 76 (appended as Attachment A1), which defines the term "acrylic" as meaning "acrylic resin", which is defined in turn as "any of numerous thermoplastic or thermosetting polymers or copolymers of acrylic acid,

methacrylic acid, esters of these acids ..." Hence, acrylic adhesives include poly(meth)acrylic adhesives and acrylic pressure sensitive adhesives include poly(meth)acrylic pressure sensitive adhesives.

In their previous Amendment dated Oct. 31, 2005, Applicants argued that it is known in the pressure sensitive adhesive arts that both acrylic pressure sensitive adhesives and silicone pressure sensitive adhesives generally have good resistance to degradation by sunlight (see, e.g., previous Amendment dated Oct. 31, 2005, remarks in response to the rejection of claims 1, 3-5, 7-16 and 20-26 under 35 USC § 103(a) as being unpatentable over Nishikawa et al. as evidenced by Romanowski in view of Renz et al.). Hence, while Applicants concede that acrylic pressure sensitive adhesives (including poly(meth)acrylate adhesives) and silicone pressure sensitive adhesives are known to one of ordinary skill in the art, Applicants submit that it is also known to one of ordinary skill in the art that polyacrylate and silicone pressure sensitive adhesives do not yellow upon exposure to sunlight. In view of the stability of polyacrylate and silicone pressure sensitive adhesives to light (e.g., as discussed herein above), it is submitted that one of ordinary skill in the art would clearly not be properly motivated to include high levels of UV stabilizers in such adhesives as it would be unnecessary for the purpose of stabilizing the pressure sensitive adhesive, especially in view of cost considerations, absent impermissible hindsight reasoning based on Applicants' own disclosure. In the present Office Action the Patent Office has neither addressed nor overcome this prior argument.

Further, even assuming arguendo (and without admitting that such is the case) that there was motivation to combine the references as asserted by the Patent Office, Applicants have discovered that by incorporating the claimed levels of ultraviolet light stabilizer into a pressure sensitive adhesive layer that is in contact with a surface of a fabric, it is surprisingly possible to impart a significant degree of ultraviolet light stability to a fabric, as evidenced, for example, on page 11 of the specification, in Table 1, Examples 1 - 5 and Comparative Examples A - F (see, e.g., previous Amendment dated Oct. 31, 2005, remarks in response to the rejection of claims 1, 3-5, 7-16 and 20-26 under 35 USC § 103(a) as being unpatentable over Nishikawa et al. as evidenced by Romanowski in view of Renz et al.). The Patent Office has likewise neither addressed nor overcome this rebuttal argument in the Present Office action.

For at least these reasons, it is submitted that the rejection of claim 1, and dependent claims 2-26, under 35 U.S.C. § 103(a) as being unpatentable over DiZio et al. (US 5,990,238) in view of Romanowski (US 2004/0071916) and in further view of Renz et al. (US 6,187,845) for reasons substantially set forth in the Office Action dated 8/1/2005 has been clearly overcome. Reconsideration and withdrawal of the rejection is respectfully requested.

For at least the reasons set forth above, it is submitted that the present Amendment places the application in condition for allowance, or at least narrows the issues for appeal. Entry of the present Amendment is respectfully requested.

Reconsideration of the application is requested.

Respectfully submitted,

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Date

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